

Senior Judge Handbook

2013 Edition

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Senior Judge Handbook Committee

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Senior Judge

I. Who May Serve as a Senior Judge

A. Certification Procedure

1. A person who desires to serve as a Senior Judge under I.C. 33-23-3 shall apply to the Indiana Judicial Nominating Commission for certification. (I.C. 33-27-4-1)
<http://www.courts.in.gov/admin/2426.htm>
2. The Indiana Judicial Nominating Commission shall certify to the Supreme Court a person desiring to serve as a Senior Judge if the person meets the requirements for service. The application must be made yearly.
<http://www.courts.in.gov/admin/2426.htm>

B. Qualifications for Senior Judge

1. A person may be certified by the Indiana Judicial Nominating Commission under I.C. 33-27-4-1 if the person meets the requirements of Administrative Rule 5 (B) (3)
http://www.in.gov/judiciary/rules/admin/index.html#_Toc341257075 :
 - (a) has served in their judicial capacity for at least four (4) years and at least one of those years was within five (5) years of the application or, in the event the four years of service was more than five (5) years prior to the application, has served at least thirty (30) days as a senior judge during a calendar year within five (5) years of the application; except that the Indiana Judicial Nominating Commission may, upon the finding of exceptional circumstances, waive the foregoing criteria and certify a senior judge with less service than specified above;
 - (b) agrees to serve as a senior judge for at least thirty (30) days in the year of appointment and has not in any previous year of service failed to serve for at least thirty (30) days without good cause as determined by the Indiana Judicial Nominating Commission.
 - (c) agrees to comply with the Code of Judicial Conduct; further agrees to not serve as an elected official or employee of a governmental entity or subdivision except with Supreme Court permission;
 - (d) agrees to serve where assigned; and that the service shall be substantially equivalent to the daily calendar of the court to which the senior judge is assigned;
 - (e) agrees to continue to serve in all special judge cases in which the person who is certified was serving as a special judge at the time the person left office, but will receive senior judge credit for such service; provided however, if the circumstances that led to the person who is certified being appointed as a special judge no longer exist, and no other disqualification exists, then the

case may be returned to the regular judge of the court where the case is pending.

(f) agrees,

(i) in the case of a senior judge appointed or assigned to serve a trial court, not to represent any client in any case before a court in which the senior judge is appointed or assigned as senior judge and to disclose to the parties coming before him in his capacity as a senior judge whenever, within the previous one (1) year, he has served as an ADR neutral for: 1) a lawyer or lawyer's firm of a party to the case, or 2) a party currently before the court. Following the disclosure, unless all parties agree on the record that the senior judge may hear the case, the senior judge must recuse; and,

(ii) in the case of a senior judge appointed or assigned to serve an appellate court, (1) not to represent any client in any case before an Indiana appellate court, (2) not to serve as an ADR neutral in any case in which he or she participated as a judicial officer, (3) not to serve as a judicial officer in any case in which he or she participated as an ADR neutral, and (4) not to represent any client in any case before a tribunal whose decisions are subject to review by an Indiana appellate court.

(g) is fit to serve as a senior judge.

C. Appointment of a Senior Judge

1. A circuit court, superior court, probate court, tax court, or court of appeals may apply to the Supreme Court for the appointment of one or more Senior Judge to serve in that court. I.C. 33-23-3-1.
 - a. The application must include the reasons for the request, (e.g. the judge is in a jury trial, is attending conferences, on vacation, has illness and for the efficient administration of the court) and
 - b. the estimated duration of the need for Senior Judge(s). Many judges use calendar year for the estimated duration.
2. The Supreme Court may then appoint a Senior Judge to serve that court for the duration specified in the application. I.C. 33-23-3-2.
3. All appointments remain in effect until the end of the calendar year in which the appointment is made or as otherwise specified.

II. Information for Senior Judges

A. *Certification and Recertification*

1. Upon request, the Indiana Judicial Nominating Commission provides new applicants with a formal Application for Certification as a Senior Judge. Upon completion and filing, the Commission will review the application and, if approved, will certify to the Supreme Court that the basic criteria have been met.
2. In August of each year, the Indiana Judicial Nominating Commission will provide Senior Judges with an Application for Recertification as Senior Judge for the next calendar year. This application should be **promptly completed** and filed in order to give the Commission adequate time to place it on their agenda for review at its October or December meeting.

B. *Oath*

The first order of business of a newly appointed Senior Judge should be the filing of a formal, notarized oath with the Clerk of the Indiana Supreme Court as required by Ind. Adm. Rule 5(B)(5). A form has been provided at the end of this Handbook (see Appendix B). Senior Judges do not need to re-file an oath when they are recertified.

C. *The Selection Process*

Senior Judges are selected by a trial court judge to serve in their court. If a trial court judge desires, they may request the Supreme Court to appoint specific certified Senior Judges to serve their court or they may generally ask the Court to appoint Senior Judges. Depending upon the request, the Supreme Court may appoint specific Senior Judges or may appoint all certified Senior Judges to serve the trial court. The duration of the selection of a Senior Judge is for all or the remaining part of the calendar year, depending upon when the request is made.

D. *Authority of Senior Judge*

1. A Senior Judge has authority to act for a court **only** when **all** the following have been met:
 - a. has been certified by the Judicial Nominating Commission
 - b. has been appointed by the Supreme Court
 - c. trial court judge has entered an Order Naming Senior Judge (*see, Appendix A*)
 - Specifying the days to be served **and**
 - Stating whether the days of service are 24 hours or limited to the court's regular business hours

- d. a Verified Statement Regarding Practice of Law is attached to the Order Naming Senior Judge (*see Appendix A*)

Annually Senior Judges must provide trial courts with a written Verified Statement Regarding Practice of Law and this statement (or a copy) must be attached to each Order Naming Senior Judge. A copy of the Verified Statement Regarding Practice of Law may be attached unless subsequent events require execution of a new Verified Statement.

Each Order Naming Senior Judge with attached Verified Statement must be filed in the Record of Judgments and Orders (RJO) and a copy must be sent to the Division of State Court Administration. Orders Naming Senior Judge shall be assigned a Court Business Record case type with CB case classification code. Courts may choose to enter all the Orders Naming Senior Judges under one CB number for each calendar year.

Exception: When a Senior Judge has heard a case and taken it under advisement, the Senior Judge has continuing authority to act in order to create and enter a ruling without an additional appointment order. However, an additional appointment order (Order Naming Senior Judge) is required for each day the Senior Judge seeks Senior Judge credit for work performed in reaching a decision in the case and for the date that a ruling is entered in the case.

2. During days of service in a court, the Senior Judge has the same jurisdiction as the presiding judge of the court but only during the time specified in the order of appointment. If, the sitting trial judge has authority to address matters in another court when the judge of the other court is unavailable, then the Senior Judge has the same authority. A Chronological Case Summary (CCS) entry should be entered on each case the Senior Judge acts for the other court. The entry should read “Order entered by Name of Senior Judge while serving as Senior Judge of the Name of Court .”

A Senior Judge may also retain jurisdiction in an individual case upon the order of the presiding judge of the court in which the case is pending (Ind. Adm. Rule 5(B)(4).

3. Unlike judges pro tempore, who are empowered to act only in the absence of the regular judge, Senior Judges may serve concurrently with the other judicial officers of the court in which they are appointed.
4. Litigants do not have the right to require that proceedings be heard by the sitting judge rather than a properly assigned Senior Judge.
5. Marriage Officiate. A certified Senior Judge may officiate at a marriage ceremony held anywhere in the State of Indiana at any time during their period of certification by the Commission.

6. Administration of Oaths. A certified Senior Judge may administer oaths anywhere in the State of Indiana at any time during their period of certification by the Commission.
7. A sample Order naming Senior Judge by trial judge may be found in Appendix A.
8. *Note*: A Senior Judge's authority **does not include** cases in which the sitting judge acts as a *special* judge. See exceptions under Trial Rule 79(i)

E. Compensation and Benefits

1. The Senior Judge per diem compensation legislation is found in IC 33-23-3-5, and specifies that Senior Judges are entitled to a per diem of \$100 per day served for the first 30 days of service in a calendar year, and a per diem of up to \$250 per day (subject to adjustment by the Supreme Court if the payroll fund is insufficient to pay the full \$250 per diem) for each day of service in the calendar year above 30. Senior Judges are entitled to reimbursement for the mileage and reasonable expenses. The mileage reimbursement is payable for round trip miles generally not to exceed 180 miles. Reimbursement is not allowed if the Senior Judge's service is in his or her county of residence.
2. Senior Judges may not be compensated for service for more than 100 days in the aggregate during any one calendar year (IC 33-23-3-5). Also, Senior Judges may not be compensated for both a full day of senior service and special judge service performed on the same day.
3. Senior Judges are also entitled to state benefits, provided they are appointed for service for a period of at least 30 days and provided they serve at least 30 days during each calendar year. Senior Judges who meet this requirement are considered state employees for purposes of state insurance benefits, including health savings accounts, group health, life, dental and vision benefits. Payment for said benefits is the individual responsibility of the Senior Judge. Failure to make timely payments will result in the termination of said benefit or benefits. If you are a recipient of the State's Retirement Medical benefits Account Plan, you will be reimbursed for your insurance payments. The plan is administered by Key Benefit Administrators, P.O. Box 55210, Indianapolis, IN 46205.
4. Enrollment in Medicare and receiving Social Security benefits may affect the Senior Judge's eligibility for benefits. Each Senior Judge is encouraged to contact the Benefits Administrator for specific information.
5. Claims for payment of Senior Judge services and reimbursement should be made within thirty (30) days of the date services are rendered. The claim form may be found at <http://www.courts.in.gov/admin/2426.htm> .

F. Time Keeping

1. A Senior Judge who serves less than the daily calendar of the court should report only the partial amount of the day served for payment and credit.
2. A Senior Judge must submit a Statement of Service to the appropriate court employee at the conclusion of each day's service. If a case is held under advisement by a Senior Judge, supplemental statements are required to be filed for the additional time. The form (Statement for Senior Judge Service) is available at <http://www.courts.in.gov/admin/2426.htm> .
3. If a Senior Judge takes a case under advisement and spends time on the case while under advisement, the time may be counted as additional Senior Judge time. The Senior Judge should keep the sitting judge informed of the amount of additional time expended and submit another Statement of Service to the court. In these situations the sitting judge may request additional Senior Judge days from the State Court Administration office and utilize the use of under advisement time as the justification for the request. *See, II (D) (1)*.

G. Senior Judge Service Credit for Mediation

1. Pursuant to Rule 5 (B) (9), a Senior Judge who is a registered mediator may receive Senior Judge credit for service as a mediator in court ordered mediation pursuant to I. C. 33-23-3-3 or pro bono mediation if the Senior Judge is not compensated at a rate greater than the per diem for Senior Judges.

Pro bono mediations are not counted toward the trial courts allotted days. These have been rare and the time has been charged to State Court Administration.

In situations where a Senior Judge is having problems accumulating 30 days of service, utilization of the pro bono rule could be very helpful. In addition, pro bono mediations will relieve pressure on the courts by having more mediators available at a very modest cost to the parties (which is the Senior Judges daily rate).

The Indiana Supreme Court has determined that a Senior Judge may also serve as a privately paid mediator in a case, apart from service as a Senior Judge, in a court where the Senior Judge has been appointed to serve in a judicial capacity. However, in these situations, a Senior Judge has an affirmative duty to disclose to the parties coming before him or her in his or her capacity as a Senior Judge whether, within the previous one (1) year, he or she has served as a mediator for: 1) a lawyer or lawyer's firm of a party to the case, or 2) a party currently before the court. Following the disclosure, unless all parties agree on the record that the Senior Judge may hear the case, the Senior Judge must recuse.

H. Senior Judge Service Credit for Service as an Attorney Surrogate

A senior judge who is appointed and serves as an Attorney Surrogate under Admission

and Discipline Rule 23 § 27 may receive senior judge credit and compensation at the per diem rate for senior judges so long as the senior judge is not being compensated for the services under Admission and Discipline Rule 23 § 27(g). The senior judge shall make the election to receive senior judge credit and compensation within sixty days of the appointment as Attorney Surrogate by filing a notice with the appointing court.

I. Special Judge

1. A newly certified Senior Judge is required to retain jurisdiction over all of pre-existing special judge cases but will receive Senior Judge credit for same. However, Ind. Adm. Rule 5(B) (3) (e) provides that if the circumstances that led to the person who is certified being appointed as a special judge no longer exist, and no other disqualification exists, then the case may be returned to the regular judge of the court where the case is pending.

2. Further, senior judges shall be eligible for **post retirement selection** as **special judge** only in courts in which the senior judge is currently appointed by the Indiana Supreme Court to serve as senior judge. Trial Rule 79 (J)

J. Practical Advice

1. Simply make inquiries with the judges in your vicinity regarding their willingness to request the Supreme Court to appoint you as a Senior Judge in his or her court.
2. Make an effort to become acquainted with the sitting court's staff members as soon as possible.
3. Make yourself aware of the sitting court's general policies regarding continuances, enlargements of time etc. If the sitting judge's time allows, schedule a short appointment to discuss these matters.
4. Before commencing service, confirm that the court has actual Senior Judge days available.
5. Review the docket prior to serving. It is possible that you may be called to serve in a court which handles case types that you have little if any prior experience or expertise. It is also possible that you will have a conflict that prevents you from hearing a case on the docket. To be forewarned is to be forearmed.
6. During days of service in a court, the Senior Judge has the same jurisdiction as the presiding judge of the court but only during the time specified in the order of appointment. If, the sitting trial judge has authority to address matters in another court when the judge of the other court is unavailable, then the Senior Judge has the same authority.

A Chronological Case Summary (CCS) entry should be entered on each case the Senior Judge acts for the other court. The entry should read "Order entered by Name

of Senior Judge while serving as Senior Judge of the Name of Court.”

7. Due to possible emergencies, Senior Judges should consider obtaining emergency contact information in order to contact court staff after hours.

K. Who to Contact When Issues Occur

Issues involving administration of the Senior Judge Program should be addressed to State Court Administration, Director of Trial Court Services. (317) 232-2542; tom.carusillo@courts.in.gov .

Policy matters may be sent to the Chair of the Senior Judge Committee for discussion and referral. The Indiana Judicial Center (317) 232-1313 will be able to give the name of the current Chair.

III. Information for Trial Judges

A. Purpose of Senior Judge Program

The Senior Judge program was created to assist the trial, tax and appellate courts, whose caseloads have mushroomed in the past years, in providing services to the citizens of Indiana. The availability of experienced trial judges to step into the courts prevents the courts from shutting down when judges attend a conference, are burdened by a lengthy jury trial, take much needed vacations or are taken ill.

B. Signing up for Senior Judges is Easy

The procedures for having Senior Judges appointed for your court are simple and there is an explanation on line as well as the ability to call your State Court Administration to work you through the process. It must be done yearly and it is your responsibility to initiate the process and to personally sign the forms. You must also confirm with the Senior Judges that you are requesting that they are able to serve in your court.

C. Make Your Expectations of the Senior Judge Known

Once Senior Judges are appointed (and you can have several appointed to serve in your court, the trial court judge needs to set forth his or her expectations for Senior Judges and to share these expectations in writing or in person with the Senior Judge and with the staff. For example, when a continuance is requested by one counsel or both counsel because he or she didn't expect a Senior Judge, would you prefer they hear the case or defer to the wishes of the counsel or handle each case on a case by case basis and determine the merits of the request.

D. The Trial Court Judge Sets the Tone for How Senior Judges are to be Used and Treated

You must communicate with your staff as to how you wish to use Senior Judges. For example, do you want to use them the morning you start jury trials, when you must be out of the office for personal matters or only when you are at conferences? Do you wish to use all of your days allotted or none of them? You must communicate to your staff how much authority the Senior Judge is to have. Are they only to hear the cases that are

scheduled for that day or if there is a problem in the jail concerning defendants from your court, can they address that? Are you to be personally contacted even when you have a Senior Judge present? Have you advised your staff which certified Senior Judge to use when you are ill or get delayed by a flight glitch coming back from vacation? Are there certain Senior Judges that you wish to hear certain cases?

E. Order Naming Senior Judge and Verification Statement

A Senior Judge has authority to act for a court **only** when **all** the following have been met:

- a. has been certified by the Judicial Nominating Commission
- b. has been appointed by the Supreme Court
- c. Trial court judge has entered an Order Naming Senior Judge (*see, Appendix A*)
 - Specifying the days to be served **and**
 - Stating whether the days of service are 24 hours or limited to the court's regular business hours.

All orders appointing a Senior Judge should be entered in advance of the commencement of the period of service by the Senior Judge.

- d. A Verified Statement Regarding Practice of Law is attached to the Order Naming Senior Judge (*see, Appendix A*)
 1. Annually senior Judges must provide trial courts with a written Verified Statement Regarding Practice of Law and this statement (or a copy) must be attached to each Order Naming Senior Judge. A copy of the Verified Statement Regarding Practice of Law may be attached unless subsequent events require execution of a new Verified Statement.
 2. Each Order Naming Senior Judge with attached Verified Statement must be filed in the Record of Judgments and Orders (RJO) **before** the Senior Judge commences service and a copy must be sent to the Division of State Court Administration. Orders Naming Senior Judge shall be assign a Court Business Record case type with CB case classification code. Courts may choose to enter all the Orders Naming Senior Judges under one CB number for each calendar year.
 3. **Exception:** When a Senior Judge has heard a case and taken it under advisement, the Senior Judge has continuing authority to act in order to create and enter a ruling. However, an additional appointment order (Order Naming Senior Judge) is required for each day the Senior Judge seeks Senior Judge credit for work performed in reaching a decision in the case and for the date that a ruling is entered in the case.

F. Review the Staff Checklist

As a guideline, there is a prepared list of questions (see Appendix D) that staff are suggested to discuss with “their judges” to make sure they understand their trial judge’s position on these topics. Make sure your staff knows how to make the best use out of the Senior Judge days your court is allotted.

G. Times to Use Senior Judges

1. You can use Senior Judges **when you are not present** to handle a regular (not reduced) case load when you are at conference, on vacation or away from the office on personal or judicial business.
2. You can use Senior Judges **when you are present** while you are in jury trial, while attending council budget meetings, while working on cases under advisement or the Senior Judge can handle a jury trial for you.
3. You can use Senior Judges **in special situations** to be court appointed mediators, to do settlement conferences in mortgage foreclosures and to be appointed special judge in cases in your court. Remember that if a Senior Judge is appointed a special judge in your court and elects to take the time and pay on that case as a Senior Judge, that time will be allotted towards the your courts Senior Judge allotment. Admin. R. 5(B)(6) deals with the per diem allowance. Admin. R. 5(B) (9) deals with Senior Judges serving as mediators.

H. If Dissatisfied with Service by a Senior Judge—You Need to Consider the Following:

1. Have you established a written set of expectations for Senior Judges serving in your court and were they communicated to the Senior Judge?
2. Was your staff aware of the expectations?
3. Can you discuss it with this judge and make sure it does not happen again?
4. Is this a situation serious enough to discuss with State Court Administration?
5. You always have the option of not using this judge again and discreetly making sure your staff is aware of that.

I. The Senior Judge Program Is Here To Serve You

The Senior Judge program is a work in progress and changes are being made as we have more experience and evaluation of the program. Please feel free to communicate to State Court Administration or the Senior Judge Committee your ideas and questions.

J. Who to Contact When Issues Occur

1. Issues involving administration of the Senior Judge Program should be addressed to State Court Administration, Director of Trial Court Services. (317) 232-2542; tom.carusillo@courts.in.gov
2. If mental health/substance abuse concerns arise, the Judges and Lawyers Assistance

- Program can be helpful. <http://www.courts.in.gov/ijlap/>
3. Policy matters may be sent to the Chair of the Senior Judge Committee for discussion and referral. The Indiana Judicial Center (317) 232-1313 will be able to give the name of the current Chair.
 4. Should there be serious issues of competency; the Judicial Qualifications Commission should be contacted. <http://www.courts.in.gov/jud-qual/>

IV. Information for Court Staff

Court staff members are crucial to the successful use of Senior Judges in trial courts. There are a number of things you should consider before, during and after the Senior Judge is in your court.

A. *How Senior Judges May Be Used in Your Court*

1. Your judge may apply to the Supreme Court for appointment of Senior Judges to serve your court. To be eligible to serve, Senior Judges must have been certified by the Indiana Nominating Commission. The list of certified Senior Judges is on the spread sheet on the Supreme Court website. <http://www.courts.in.gov/admin/senior-judges/>
2. Your court may utilize more than one Senior Judge and all may be requested on a single form. <http://www.in.gov/judiciary/admin/files/sr-judges-sr-judge-appointment-request.pdf> Senior Judges should be contacted before the judge appoints them. There are a number of reasons a Senior Judge may not wish to be appointed in your court. For example, many Senior Judges act as mediators and wish to avoid conflicts of interest by serving in certain courts.
3. Each court has a specified number of days that can be used. See the spread sheet at <http://www.courts.in.gov/admin/senior-judges/>. If additional days are needed for a court, the judge of that court may make an application to the Supreme Court. However, additional days are not granted automatically. It is very important to keep careful track of days used. If your court needs additional days, the request should be made in a timely manner.
4. Sometimes emergencies arise and the judge is unable to request the appointment and/or services of a Senior Judge. In that event, State Court Administration should be contacted. Currently the person to contact is Thomas Carusillo (tom.carusillo@courts.in.gov)
5. You should also discuss the situation with the other judges in your county. A good policy is to check with your judge before any problems occur as to the procedure you should follow in an emergency when the judge is unable to act.
6. When you know specific days that a Senior Judge will be needed, your judge must appoint a specific Senior Judge for those days. (see Appendix A, Order Naming Senior Judge) The Order Naming Senior Judge should be entered **before** the Senior Judge begins service.

A Senior Judge has authority to act for a court **only** when **all** the following have been met:

- a. has been certified by the Judicial Nominating Commission
- b. has been appointed by the Supreme Court
- c. trial court judge has entered an Order Naming Senior Judge (*see, Appendix A*)
 - Specifying the days to be served **and**
 - Stating whether the days of service are 24 hours or limited to the court's regular business hours
- d. a Verified Statement Regarding Practice of Law is attached to the Order Naming Senior Judge (*see, Appendix A*)
 1. Annually senior Judges must provide trial courts with a written Verified Statement Regarding Practice of Law and this statement (or a copy) must be attached to each Order Naming Senior Judge. A copy of the Verified Statement Regarding Practice of Law may be attached unless subsequent events require execution of a new Verified Statement.
 2. Each Order Naming Senior Judge with attached Verified Statement must be filed in the Record of Judgments and Orders (RJO) and a copy must be sent to the Division of State Court Administration. Orders Naming Senior Judge shall be assign a Court Business Record case type with CB case classification code. Courts may choose to enter all the Orders Naming Senior Judges under one CB number for each calendar year.
 3. **Exception:** When a Senior Judge has heard a case and taken it under advisement, the Senior Judge has continuing authority to act in order to create and enter a ruling. However, an additional appointment order (Order Naming Senior Judge) is required for each day the Senior Judge seeks Senior Judge credit for work performed in reaching a decision in the case and for the date that a ruling is entered in the case.
7. During days of service in a court, the Senior Judge has the same jurisdiction as the presiding judge of the court but only during the time specified in the order of appointment. If, the sitting trial judge has authority to address matters in another court when the judge of the other court is unavailable, then the Senior Judge has the same authority. A Chronological Case Summary (CCS) entry should be entered on each case the Senior Judge acts for the other court. The entry should read "Order entered by Name of Senior Judge while serving as Senior Judge of the Name of Court."

8. A Senior Judge may take matters under advisement and act on them at a later time. The Senior Judge may not be able to complete a hearing and may need to return to finish the hearing. A good example is when a Senior Judge returns to conduct sentencing after a trial.
9. A Senior Judge may retain jurisdiction in an individual case if your judge enters an order to that effect. The Senior Judge should discuss the matter with your judge and let your court know how much time they will be using. The Senior Judge shall report this time to your court on the same Senior Judge Statement of Service form and you need to keep track of the Senior Judge time used. This time will be counted toward the number of Senior Judge days your court has.

B. Important: Planning for the Senior Judge's Visit

1. It is very important that you discuss the Senior Judge's visit with your judge **before** the Senior Judge comes to your court. Go over the Checklist (Appendix D) with your judge. Make sure that you understand exactly what your judge wants done.
2. Fill out the form found in Appendix C (Information to be Submitted for Use by Senior Judge Serving Your Court) and give it to the Senior Judge **each** time that judge comes to your court. Make sure the Senior Judge is aware of all of the information they will need.
3. Even if the Senior Judge has been in your court many times, things change between visits such as personnel and work flow changes. It is very easy to forget to mention those changes to the Senior Judge. (Obviously, you need to fill out only one form if the Senior Judge is serving a period of consecutive days or weeks in your court).

Appendices

Appendix A

Order Naming Senior Judge

Senior Judge's Statement Regarding Law Practice before the Court

Appendix B

Oath of Office for Senior Judge

Appendix C

Information to be provided to Senior Judges serving in your court

Appendix D

Checklist

Appendix A

ORDER NAMING SENIOR JUDGE

STATE OF INDIANA) IN THE _____ COURT
)
) SS:
)
COUNTY OF _____) CASE NO. _____-_____-CB-_____

ORDER NAMING SENIOR JUDGE

Comes Now the Honorable _____, Judge of the
 _____ Court, and hereby names the Honorable
 _____, Senior Judge, to serve this court as senior judge on the following
 day(s): _____

Said service will be during (**Select one**) :

_____ the regular business hours of the court, or
_____ for 24 hours each day.

Senior Judge_____ has verified in writing that he/she does not practice law before this court.

The clerk shall enter this order into the Record of Judgments and Orders of the court and forward a copy to the Division of State Court Administration.

ORDERED this _____ day of _____, 20____.

Judge, _____ Court _____

SENIOR JUDGE’S STATEMENT REGARDING LAW PRACTICE BEFORE THE COURT

[illegible]

IN THE _____ COURT

CASE NO. _____-_____-CB-_____

IN THE MATTER OF _____)
THE NAMING OF A SENIOR JUDGE _____)
TO SERVE THE _____ COURT _____)

VERIFIED STATEMENT REGARDING PRACTICE OF LAW

Comes Now the Honorable _____, a Senior Judge, and
under the pains and penalties for perjury hereby affirm to the court that I do not practice law before the
_____ Court.

Dated this _____ day of _____, 2013.

Senior Judge

Printed Name

Address

Phone number

Email

Attorney Number

Appendix B

OATH OF OFFICE FOR SENIOR JUDGE

In the Indiana Supreme Court

OATH OF OFFICE FOR SENIOR JUDGE

Under the penalties for perjury, I, _____, do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will honestly, faithfully and impartially discharge my duties as Senior Judge, to the best of my knowledge, skill and ability.

(Printed Name)
Senior Judge

Appendix C

INFORMATION TO BE PROVIDED TO SENIOR JUDGES SERVING YOUR COURT

COURT_____ PHONE NUMBER_____

1. List all personnel by name and identify location, job title and contact number. Work and home (for emergencies).
2. Parking for Senior Judge
3. Persons who appear in your court regularly such as Deputy Prosecutor, Public Defender, Probation, Division of Family Services, CASA , Security staff (deputies, transportation).
4. Calendar (docket) for days Senior Judge will be sitting and personnel assigned each session.
5. Other

Appendix D

CHECKLIST

Things to consider before the Senior Judge arrives (discuss with your judge):

1. ___The Senior Judge is certified and has been appointed for your court. <http://www.in.gov/judiciary/admin/senior-judges/index.html>

2. ___Your court has enough remaining service days available. See the spreadsheet at <http://www.courts.in.gov/admin/senior-judges/index.html> (the spread sheet has several tabs at the bottom of the spreadsheet. Click on the tab labeled “Senior Judge Allocation-Use” and scroll to your court.

3. ___There is suitable work area for the Senior Judge (other than the court room). Check with your judge as to where your judge would like the Senior Judge to work when not in court.

4. ___Computer access issues.
 ___May the Senior Judge to use your judge’s computer or not?
 ___Is the Senior Judge bringing a laptop, if so, is internet access available? Wi-Fi or will the Senior Judge need to bring a cable?
 ___Will the Senior Judge have access to your court’s case management system?
 If not, will hard copies of the CCS be provided?

5. ___Information to give to the Senior Judge (in written form, where possible)
 ___Where to park
 ___Telephone number/email address for Senior Judge to use to contact the court with questions
 ___Location of basic tools needed to complete the work--pens, pads of paper, etc.
 ___Location on the bench of the basic tools plus bench books, dialogues, criminal statutes, Rules of Court, court bond schedule (if existing), any other resources needed.

- ___The court calendar (docket) for the day(s) Senior Judge is acting and what staff members will be in the court room with the Senior Judge
- ___How to operate building security system and security badge (if needed)
- ___Copy of evacuation plan
- ___Names of all court personnel with whom the Senior Judge will come in contact and the areas each employee covers
- ___Names of other persons regularly appearing in court (the prosecutor and deputies, CASAs, probation staff)
- ___How interpretation is normally handled
- ___Simple instructions on how to navigate the court's case management system
- ___A general outline of the work flow and what the Senior Judge should expect: What types of cases are heard each day the Senior Judge will be present? If the Senior Judge is to generate orders or if court staff will generate them. Where the Senior Judge will find the files needing attention and/or proposed orders for signature. Once signed, where the files/orders should be placed, etc.
- ___From what location will litigants testify? Sitting at their own table, from the witness stand, standing before the bench or another place
- ___The court's general practice on granting/denying requests for continuances and other routine matters
- ___How the Senior Judge can access case files
- ___Location of rest rooms, break room, refrigerator, etc.
- ___Access codes (if any) for telephone

7. ___Any special instructions from your judge to the Senior Judge
8. ___An order specifically appointing the Senior Judge for each day of service (including emergency situations outside of court hours) signed by the sitting judge prior to sitting judge's departure. (Best Practice, but not currently required)
9. ___Other_____

Things to have before the Senior Judge leaves:

1. ___The Senior Judge's contact information and the preferred method for contacting them
2. ___How the Senior Judge would like to have proposed orders sent. Sent to the Senior Judge's home address? Left at the court and Senior Judge notified to come in and sign? Other?
3. ___A completed copy of Senior Judge Statement of Service to retain for your files (forward a copy to the person who prepares the court's quarterly statistics)
4. ___Other_____